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October 30, 2012

Mr. Richard Sisk  
United States Environmental Protection Agency  
Region 8  
1595 Wynkoop Street  
Denver, CO 80202

RE: Vasquez Boulevard/I-70 Superfund Site, Operable Unit 2

Dear Mr. Sisk:

Thank you for providing the City and County of Denver an opportunity to consult with you about the Five-Year Review of the Vasquez-Boulevard/I-70 Superfund Site, Operable Unit 2. As we understand the situation, most residential properties have been sampled and remediated if action levels were exceeded, as required by the Record of Decision. However, access for sampling or remediation has not been granted to EPA for a small number of owner-occupied or leased properties. EPA-8 has proposed several options regarding these properties. Denver's advice regarding each of the options is summarized, below, in the order of most favored to least favored.

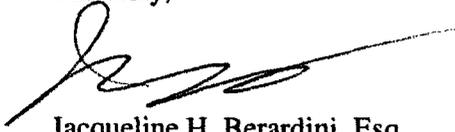
1. EPA would amend the Record of Decision to require best efforts to gain access for sampling and remediation of the residential properties; and, to require sampling and remediation only to the extent that access is available after exhaustion of such best efforts. Denver agrees that this approach is appropriate. Further, best efforts should be defined to include extensive outreach; whether best efforts also include issuance of administrative orders to gain access should be stated. Denver agrees that extensive outreach has been conducted and that 'best efforts' does not necessarily need to include issuance of administrative enforcement orders.

2. EPA would provide a Notice of Potential Environmental Conditions by annual letter to the owner of record and occupant of the property (until such time as access is granted for sampling and remediation as necessary (i.e., exceedance of action levels). Denver agrees that this annual notification, to provide the owner and occupant information about the potential problem, is prudent. The letters should be delivered to the property owner's address on file with the Denver Assessor's Office as well as to the physical address in order to reach both owner and occupant. This approach, however, raises the question whether EPA would provide remediation of one or more of these properties in the future.

3. EPA would file a Notice of Potential Environmental Conditions in the real estate record for each of the properties. Denver does not believe that there is sufficient information to warrant Denver to invoke its own legal authority to do this. Similarly, we don't think that EPA has demonstrated a public health or environmental need to take this extraordinary action.

If you wish to discuss this further, please feel free to telephone me or Lisa Farrell (303-312-6861).

Sincerely,



Jacqueline H. Berardini, Esq.  
Assistant City Attorney

cc: Celia Vanderloop  
Lisa Farrell  
Bill Benerman

## Sisk, Richard

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**From:** Richard Sisk <Sisk.Richard@epamail.epa.gov>  
**Sent:** Monday, September 22, 2014 4:52 PM  
**To:** Sisk, Richard  
**Subject:** Fw: Draft Agenda for August 22nd Meeting  
**Attachments:** OU2 to R Sisk 10-30-2012.pdf

Richard Sisk  
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U.S. EPA Region 8  
ENF-L  
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----- Forwarded by Richard Sisk/R8/USEPA/US on 09/22/2014 04:51 PM -----

From: "Berardini, Jacqueline H. - Department of Law" <Jacqueline.Berardini@denvergov.org>  
To: Paula Schmitt diel/R8/USEPA/US@EPA, "Apostolopoulos, Fonda" <Fonda.Apostolopoulos@dph.state.co.us>, "doug.jamison@state.co.us" <doug.jamison@state.co.us>, "Scott.Schultz@state.co.us" <Scott.Schultz@state.co.us>, Jennifer Robbins <Jennifer.Robbins@state.co.us>, "Farrell, Lisa - Environmental Health" <Lisa.Farrell@denvergov.org>, "Nightengale, Alice - Environmental Health" <Alice.Nightengale@denvergov.org>, "Wilmoth, Katherine L. - Department of Law" <Katherine.Wilmoth@denvergov.org>, Richard Sisk/R8/USEPA/US@EPA, John Works/R8/USEPA/US@EPA, Steve Wharton/R8/USEPA/US@EPA, Bill Murray/R8/USEPA/US@EPA, Jennifer Chergo/R8/USEPA/US@EPA, "Benerman, Bill - Environmental Health" <Bill.Benerman@denvergov.org>, "Vanderloop, Celia - Environmental Health" <Celia.Vanderloop@denvergov.org>  
Date: 10/31/2012 09:18 AM  
Subject: RE: Draft Agenda for August 22nd Meeting

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Please see attached. Thank you for your patience, Jackie

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Jackie Berardini

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**From:** Paula Schmitt diel [mailto:Schmitt diel.Paula@epamail.epa.gov]

**Sent:** Thursday, August 16, 2012 5:37 PM

**To:** Apostolopoulos, Fonda; doug.jamison@state.co.us; Scott.Schultz@state.co.us; Jennifer Robbins; Farrell, Lisa - Environmental Health; Nightengale, Alice - Environmental Health; Wilmoth, Katherine L. - Department of Law; Berardini, Jacqueline H. - Department of Law; sisk.richard@epa.gov; John Works; Steve Wharton; Bill Murray; Jennifer Chergo

**Subject:** Draft Agenda for August 22nd Meeting

All - Attached is a draft agenda for our meeting scheduled for Wednesday, August 22nd from 1:30 - 3:00 PM. The meeting will be at EPA in the Dakota Room in the 2nd floor conference center.

If anyone has comments on the draft agenda, please let me know as soon as possible. Thank you.

Paula Schmittziel  
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*(See attached file: Agenda Notice of EC Mtg 22AUG12\_srw.docx)(See attached file: OU2 to R Sisk 10-30-2012.pdf)*